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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/644,594	08/23/2000	Spencer Andrew Meister	DDM00-031	2456

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/644,594

Applicant(s)

MEISTER ET AL.

Examiner

Michael Butler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,3-7,9-26,28-32,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) 9-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 28-32,35 and 36 is/are allowed.
- 6) ☐ Claim(s) 1,3, 5-7,18-24, and 26 is/are rejected.
- 7) ☐ Claim(s) 4 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Drawings

2. New drawings will be required contingent upon allowance because the drawings were declared informal by the applicant.

Restriction/Election

3. Applicant's election of the Group I claims on 6/3/02 in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The restriction requirement was previously made final in paper 5.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 18, 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Alvern (5865340) which discloses:

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(Re: cl 1, 18, 21)apparatus suitable for dispensing at least one coupon in cooperation with an attached companion device, a companion device with delivery of a product apparatus comprising:

control means for controlling dispensing (c5 L 1-49)

actuator coupled to control means (24)

link for effecting cooperation (c5 L 1-49)

companion means includes a dispensing means (c6 L 30-39)

(21) door controlling access to col. (42)

6. Claims 1,18, 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bachmann et

al. (4454670) which discloses:

(Re: cl 1, 18, 21) apparatus suitable for dispensing at least one coupon in cooperation with an attached companion device, a companion device with delivery of a product apparatus comprising:

control means for controlling dispensing (c5 L 1-23)

actuator coupled to control means, link for effecting cooperation (c5 L 11-23)

companion means includes a dispensing means (c5 L 11-23).

7. Claims 1, 3, 5, 7-8 and 18-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Maggard et al. (6021362) which discloses: samples & premiums

(Re: cl 1, 21)apparatus suitable for dispensing at least one indicium of value in cooperation with an attached companion device, a companion device with delivery of a product apparatus comprising:

control means for controlling dispensing (18)

actuator coupled to control means (74)

link for effecting cooperation (c5 L 25-50)

companion means includes a dispensing means (20)

(re: cl 3,22) communications means for communicating, (c8 L 20-37)

memory means for storing operational information (c5 L 25-65)

(re: cl 5, 24) communication means comprises an input access port for providing control by an operator (c10 L 30-41)

(Re: cl 7, 26) at least one item of value comprises a coupon redeemable for at least on second product (c8 L 20-50)

(Re: cl 8, 27) at least one item comprises a product sample (20)

(re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising

providing a control means for controlling a providing (c8 L 20-50)

providing a means for effecting dispensing means (c8 L 37-50)

providing a link for effecting cooperation(c8 L 20-37)

(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c8 L 37-50) providing a memory means for storing operational information (c8 L 20-50).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-5, 7, 18-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veeneman et al. in view of Bachmann et al. in which Veeneman et al. discloses the elements claimed including:

(Re: cl 1, 21) apparatus for dispensing at least one coupon (gift certificate) redeemable for value (350/352 fig 10b1) in cooperation with an attached companion device a companion device with delivery of a product apparatus (26 envelope dispenser) comprising:

control means for controlling dispensing (24)
actuator coupled to control means (14/48)
link for effecting cooperation (fig 3)
(re: cl 21) apparatus and companion device assembled in unitary configuration (600/602)
companion means includes a dispensing means (26)
(re: cl 3,22) communications means for communicating (c6 L 16-27;c5 L 1-3)
memory means for storing operational information (c5 L 5-24)
(re: cl 4,23) communication means comprises a telephone connection with a remote controlling station (c6 L 16-27; c5 L 1-3)
(re: cl 5, 24) communication means comprises an input access port for providing control by an operator (c3 L 30-35)

(Re: cl 7, 26) at least one item of value comprises a coupon redeemable for at least on second product (c15 L 5-65)
(re: cl 18) method for dispensing at least one item of value from an apparatus in cooperation with operation of a companion device comprising
providing a control means for controlling a providing (24)
providing a means for effecting dispensing means (14/48)
providing a link for effecting cooperation (fig 3)
(re: cl 19) communication means coupled with apparatus for communicating operation information with apparatus regarding operation of apparatus (c6 L 16-27; c5 L 1-3)
providing a memory means for storing operational information (c5 L 5-24)
(re: cl 20) communicating a directive comprising a change from a remote locus (c6 L 16-27; c5 L 1-3).

Bachmann et al. discloses any elements not inherently disclosed by Veeneman et al.

including:

direct link between apparatus and actuator (c 5L 11-24).

It would have been obvious at the time of the invention for Venneman et al. to actuate the article dispensing and coupon dispensing to simplify development as taught by Bachmann et al. and come up with the instant invention.

Response to Arguments/Amendments

10. Applicant's amendments were effective in overcoming the previous anticipatory rejections of Veeneman, Flubacher, Ramsey, Ostgaard, Helbling, '497, and Maggard and the rejections under 35 U.S.C. 103 evidenced by Ramsey et al. in view of Comer et al., Ramsey et al. in view of Phillips et al., Helbling '497 in view of Ostgaard et al., Helbling '497 in view of Ramsey et al. The applicant's arguments have been fully considered but they are unpersuasive in overcoming the rejections evidenced by Maggard et al. as the coupons were redeemable for value.

Applicant's arguments deemed moot in view of the new grounds for rejections.

Allowable Subject Matter

11. Claims 28-32 and 35-36 are allowed.
12. Claims 4 and 25 are objected to as being dependent claims premised upon a rejected base claim but would be allowed if the re-written in independent form or if the limitations of an allowable claim were incorporated within the independent base claim from which this claims depend or if re-written premised upon dependence from an otherwise allowable base claim.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

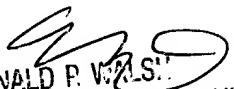
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler
Examiner


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
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